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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,504	07/25/2003	David A. Bulpett	B03-50	3239

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EXAMINER

BUTTNER, DAVID J

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/627,504	<b>Applicant(s)</b> BULPETT ET AL.	
	<b>Examiner</b> David Buttner	<b>Art Unit</b> 1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119e as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number. The provisional application is not mentioned and the status of the other parent has not been updated.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 and 22-24 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wu '358.

Wu (abstract) suggests golf balls having a cover made from isocyanate prepolymer and curing agent. Tinuvin 328 can employed as a stabilizer (col 6 line 47) in amounts of 0.05-1.5% (col 6 line 56). This corresponds to applicant's amounts (page 27 line 5). TINUVIN 328 is a suitable UV absorber according to applicant (page 20 line 18). One must assume Wu's ball must have applicant's required color stability if the same absorber in the same amounts are used. The ball can have multiple layers (col 7 line 27).

Claims 1-17 and 22-24 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Dusbiber '061 Patent.

Dusbiber discloses urethane covers for golf balls. The urethane is made from a prepolymer and curing agent (col 5 line 29). Tinuvin P can be included as a UV absorber (col. 4, line 33). Dusbiber exemplifies (Example 1) amounts of 0.2%. This corresponds to applicant's amounts (page 27 line 5). TINUVIN P is one of applicant's preferred UV absorbers (page 23 line 17). One must assume Dusbiber's ball must have applicant's required color stability if the same absorber in the same amounts are used. The ball can be a two or more piece ball (col 1 line 68).

Claims 1-18 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Dusbiber '061 in view of Ishii '744.

Dusbiber does not set any limits on the amount of TINUVIN P.

Ishii (col. 2, line 31) lists the chemical name of TINUVIN P and teaches generally used amounts are no more than 10% (col. 2, line 57).

It would have been obvious to use TINUVIN P in amounts up to 10% in Dusbiber's ball.

Claims 1-17, 19 and 24 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over The Peter '313 Patent.

Peter produces golf ball covers from a diisocyanate/polyol prepolymer and an aromatic polyamine (e.g. Example 1).

Benzotriazole UV stabilizers especially in combination with hindered amine light stabilizers can be added to color stabilize the cover (col. 10, line 54-58).

It is assumed Peter's ball would have the required color stability, because applicant's disclosure and claims indicate any combination of benzotriazole UV stabilizer and HALS would be effective.

Claims 1-21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Peter '313 Patent in view of the Andrews Article or Evans '080 or Hotta '331 or Aumuller '888.

Peter does not provide amounts or species of benzotriazole or HALS.

Each of the secondary references exemplifies polyurethanes stabilized with a combination of benzotriazole and HALS. Andrews (Fig. 6) and Evans (col. 5, line 40) teach applicant's preferred combination of TINUVIN '571 and TINUVIN '765. Hotta (col. 5 line 25-32) and Aumueller (Table 1) suggest certain combinations of benzotriazole and HALS.

It would have been obvious to use any benzotriazole/HALS combination for use in Peter's ball.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Dewanjee WO 98/37929 Patent in view of the Andrews Article or Evans '080 or Hotta '331 or Aumueller '888.

Dewanjee discloses polyurethane covers for two or three piece golf balls. The polyurethane is made from a diisocyanate prepolymer and amine curative (abstract). A stabilizing package (page 12, line 11) may be included.

There are many stabilizing packages for urethanes. Each of the secondary references exemplify polyurethanes stabilized with a combination of benzotriazole and HALS. Andrews (Fig. 6) and Evans (col. 5, line 40) teach applicant's preferred combination of TINUIN '571 and TINUVIN '765. Hotta (col 5 line 25-32) and Aumueller (Table 1) suggest certain combinations of benzotriazole and HALS.

It would have been obvious to use any benzotriazole /HALS combination for use in Dewanjee's ball. Presumably, the ball would have the required color stability because applicant's disclosure and claims indicate any combination of benzotriazole and HALS would be effective.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Buttner whose telephone number is 571-272-1084. The examiner can normally be reached on weekdays from 10 to 5pm.

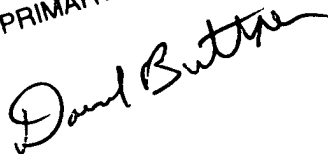
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on 571-272-1302. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAVID J. BUTTNER  
PRIMARY EXAMINER



D. Buttner  
1/14/05